MONTANA
ADMINISTRATIVE
REGISTER

ISSUE NO. 10 – MAY 23, 2025

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MONTANA
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DEPARTMENT OF COMMERCE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-159.1

Summary

Adoption of a new rule (ARM 8.99.1701) pertaining to the Wood Products Revolving Loan Fund Program

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Hearing Date and Time

Thursday, June 12, 2025, at 11:00 a.m.

Virtual Hearing Information

The Department of Commerce will hold a public hearing via zoom to consider the proposed adoption of the above-stated rule.

Video: https://mt-gov.zoom.us/j/86962217668?pwd=XILI6lvkUCT0Y7iwczQQwBG3zXBCoZ.1

Webinar ID: 869 6221 7668

Passcode: 148824

Comments

Interested persons may submit data, views, or arguments orally at the Zoom hearing. Written data, views, or arguments may be submitted to Jada Maynor by email: DOCadministrativerules@mt.gov; or by mail: P.O. Box 200501, Helena, MT 59620. Comments must be received by Friday, June 20, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, June 5, 2025, at 5:00 p.m.

Contact

Jada Maynor
(406) 841-2596
jada.maynor@mt.gov

General Reasonable Necessity Statement

The Department of Commerce proposes to adopt by reference the updated Program Guidelines (June 2025) for the Wood Products Revolving Loan Fund (WP RLF) Program and incorporate the guidelines as administrative rules of the department. The WP RLF is a state-funded loan program that provides financing to Montana businesses in the wood products industry for working capital, equipment purchases, infrastructure upgrades, land acquisition or lease, and debt service. The program is designed to strengthen Montana's natural resource-based economy by advancing wood products manufacturing, promoting economic diversification, and retaining and creating jobs in rural and forest-dependent communities.

Through 90-1-502, MCA, the Legislature authorized the adoption of rules to implement the program including setting eligibility criteria, demonstrated need, and other matters necessary to ensure repayment of the loans and encourage maximum use of the funds. The guidelines generally establish the administrative framework for the WP RLF and outline the program's processes, eligibility criteria, application requirements, and compliance expectations. Adoption of the updated guidelines is necessary to modernize the program, improve accessibility for borrowers, and align with current industry needs. The updates are intended to reflect current loan program requirements, streamline processes, reduce administrative burden, and simplify language. Key revisions include the addition of loan participation options in partnership with enrolled participating lenders to expand reach and financing flexibility, the removal of outdated provisions, reorganization for clarity, and a reduction in length from 39 pages to 12 pages.

These updates will enhance the Department of Commerce's ability to efficiently deploy funds, respond to economic opportunities, and support long-term growth in Montana's wood products sector. The proposed guidance can be found at https://business.mt.gov.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 (8.99.1701) INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE MONTANA WOOD PRODUCTS REVOLVING LOAN FUND

(1) The department adopts and incorporates by reference the Montana Wood Products Revolving Loan Fund (WP RLF) Program Guidelines (June 2025), as rules for the administration of the Montana Distressed Wood Products Industry Revolving Loan Program, authorized by Title 90, chapter 1, part 5, MCA.

(2) The guidelines establish the framework for administration of the WP RLF, including eligibility, permissible uses of funds, the application process, evaluation criteria, and compliance requirements.

(3) As stated in the guidelines, the department will provide low-interest financing through:

(a) participation loans in partnership with approved lenders; and

(b) direct loans for working capital or equipment purchases.

(4) Copies of the guidelines may be obtained from the department's Business MT Division, 301 South Park Avenue, P.O. Box 200528, Helena, Montana 59620-0528, or on the department's web site at https://business.mt.gov.

Authorizing statute(s): 90-1-502, MCA

Implementing statute(s): 90-1-501, 90-1-502, 90-1-503, MCA

Small Business Impact

Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person above or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Amy Barnes, Deputy Chief Legal Counsel

Approval

Mandy Rambo, Acting Director

MONTANA
ADMINISTRATIVE
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PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-113.1

Summary

Amendment of ARM 23.13.207, 23.13.208, and 23.13.801 pertaining to the certification of public safety officers

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No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 5,039 persons based on approximately 5,039 public safety officers who are currently active in the state.

Comments

Concerned persons may submit their data, views, or arguments in writing to: Katrina Bolger, Montana POST Council, 2260 Sierra Road East, Helena, Montana, 59602; telephone (406) 444-9974; fax (406) 444-9978; or e-mail kbolger@mt.gov. Comments must be received by Friday, June 20, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, June 20, 2025, at 5:00 p.m.

Contact

Katrina Bolger
406-444-9974
kbolger@mt.gov
Fax: 406-444-9978

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

23.13.207 REQUIREMENTS FOR THE PUBLIC SAFETY OFFICER INTERMEDIATE CERTIFICATE

(1) remains the same.

(3) In addition to ARM 23.13.204 and 23.13.205, a peace officer or probation and parole officer who is an applicant for an award of the intermediate certificate:

(a) and (b) remain the same.

(c) must have 200 combined POST-approved, in-service, or lateral POST training credit ~~training~~ hours as provided in these rules.

(3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer or a misdemeanor probation/pretrial services officer who is an applicant for an award of the intermediate certificate:

(a) and (b) remain the same.

(c) must have 144 combined POST-approved, in-service, or lateral POST training credit ~~training~~ hours as provided in these rules.

(4) In addition to ARM 23.13.204 and 23.13.205, a public safety communication officer who is an applicant for an award of the intermediate certificate:

(a) and (b) remain the same.

(c) must have 84 combined POST-approved, in-service, or lateral POST training credit ~~training~~ hours as provided in these rules.

(5) and (6) remain the same.

Authorizing statute(s): 2-15-2029, MCA

Implementing statute(s): 2-15-2029, 44-4-403, MCA

Reasonable Necessity Statement

In March of 2024, POST made numerous changes to its rules to update and clarify language and ensure that the council's rules conform to POST's practices. The appearance of the second instance of the word "training" in the above subsections was a clerical error, which was discovered during additional changes to POST's rules, which were adopted in January of 2025. The proposed amendments above will remedy the error and ensure that POST's rules are clear and concise.

23.13.208 REQUIREMENTS FOR PUBLIC SAFETY OFFICER ADVANCED CERTIFICATE

(1) remains the same.

(2) In addition to ARM 23.13.204 and 23.13.205, a peace officer or probation and parole officer who is an applicant for an award of the advanced certificate:

(a) remains the same.

(b) must have eight years of discipline-specific experience and 400 combined POST-approved, in-service, lateral POST training credit ~~training~~ hours as provided in these rules.

(3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer or a misdemeanor probation/pretrial services officer who is an applicant for an award of the advanced certificate:

(a) remains the same.

(b) must have eight years of discipline-specific experience and 304 combined POST-approved, in-service, or lateral POST training credit ~~training~~ hours as provided in these rules.

(4) In addition to ARM 23.13.204 and 23.13.205, a public safety communications officer who is an applicant for an award of the advanced certificate:

(a) remains the same.

(b) must have eight years of discipline-specific experience and 184 combined POST-approved, in-service, or lateral POST training credit ~~training~~ hours as provided in these rules.

(5) and (6) remain the same.

Authorizing statute(s): 2-15-2029, MCA

Implementing statute(s): 2-15-2029, 44-4-403, MCA

Reasonable Necessity Statement

See the Reasonable Necessity Statement regarding the proposed amendments to ARM 23.13.207.

23.13.801 MINIMUM STANDARDS FOR THE APPOINTMENT AND CONTINUED EMPLOYMENT OF PUBLIC SAFETY OFFICERS

(1) and (2) remain the same.

(3) Every public safety communications officer, as a part of the training required in (2)~~(k)~~(l), must complete, every two calendar years, a telephone cardiopulmonary resuscitation (TCPR) course. The required TCPR training shall follow evidence-based, nationally recognized guidelines for high-quality TCPR that incorporate recognition protocols for out-of-hospital cardiac arrest (OHCA) and continuous education. The training must cover a minimum of the following topics:

(a) through (o) remain the same.

(4) The POST Council is not responsible for maintaining records of continuing education hours acquired to satisfy the requirements of (2)~~(j)~~(l) and ~~(2)(k)~~(3). The appointing authority must maintain records of the ~~administration of the oath and the~~ continuing education hours acquired to satisfy (2)~~(j)~~(l) and ~~(2)(k)~~(3). Agency records maintained under this rule are subject to audit by the executive director during normal business hours upon reasonable notice to the agency.

Authorizing statute(s): 2-15-2029, MCA

Implementing statute(s): 2-15-2029, 44-4-403, MCA

Reasonable Necessity Statement

In March of 2024, POST made numerous changes to its rules to update and clarify language and ensure that the council's rules conform to POST's practices. After adoption of the changes, in January of 2025, the Department of Justice informed POST of an error in numbering which resulted from POST's prior changes.

In October of 2017, POST adopted rule changes regarding administering the code of ethics in ARM 23.13.803 as an oath. POST had determined that it was unconstitutional to require officers to swear an oath to the code of ethics and removed that requirement. During a routine review of its rules, POST recognized the language regarding an oath was not deleted from this rule. These proposed changes are necessary to provide clarity and consistency with regard to the code of ethics.

Small Business Impact

Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person listed in contact information or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

David Ortley

Approval

Jesse Slaughter, Chair, Montana POST Council

MONTANA
ADMINISTRATIVE
REGISTER

FISH, WILDLIFE AND PARKS

NOTICE OF ADOPTION OF EMERGENCY RULE

MAR NOTICE NO. 2025-165.1

Summary

Adoption of an emergency rule closing the Fish Trap Fishing Access Site and portions of the Big Hole River in Beaverhead and Deer Lodge Counties

Reason

The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of an emergency rule:

(1) The river and site closure are due to fire activity from the Sawlog Fire. The United States Forest Service has requested that the Big Hole River be closed to public use from Mudd Creek Bridge to Sportsman's Park.

(2) The river and site closure is necessary to protect public safety and to facilitate fire operations, including bucket drops in and close to the Big Hole River, ultimately rendering unsafe conditions for individuals boating, floating, or wading. Persons recreating at the fishing access site or on the river may be at risk of unsafe waterways, roadways, and injury.

(3) The closure will remain in place until the department determines the fire is suppressed and the site and the river are safe for the public to recreate there.

(4) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, due to the combination of unsafe conditions and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. This emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties and published as an emergency rule in Issue No. 10 of the 2025 Montana Administrative Register.

Effective Date

Wednesday, May 7, 2025

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, June 6, 2025 at 5:00 p.m.

Contact

Audrey J. Kelly
406-594-8073
Audrey.Kelly@mt.gov

ADOPT

The agency is adopting:

RULE 1 EMERGENCY CLOSURE OF THE FISH TRAP FISHING ACCESS SITE AND THE BIG HOLE RIVER BETWEEN MUDD CREEK BRIDGE AND SPORTMAN'S PARK

(1) The Fish Trap Fishing Access Site on the Big Hole River is located in Beaverhead and Deer Lodge Counties.

(2) The Fish Trap Fishing Access Site and the Big Hole River between Mudd Creek Bridge and Sportsman's Park are are closed for public use.

(3) This rule will remain in effect until the department determines that the affected area of the Big Hole River is again safe for public occupancy and recreational use. Signs closing the Fish Trap Fishing Access Site will be removed when the rule is no longer effective.

Authorizing statute(s):2-4-303, 87-1-202, MCA

Implementing statute(s):2-4-303, 87-1-202, MCA

Interested Persons

The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department, commission or board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing or email address of the person to receive the notice. Such written request may be mailed or delivered to the Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be completed online at https://public.govdelivery.com/accounts/MTFWP/subscriber/new.

Committee Notification

The special notice requirements of 2-4-303, MCA have been met. All committee members and staff of the Environmental Quality Council, with addresses provided on the Montana Legislature's website (leg.mt.gov), were contacted by e-mail on Thursday, May 8, 2025.

Rule Reviewer

Jaime MacNaughton

Approval

Quentin Kujala, Chief of Conservation Policy

MONTANA
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FISH, WILDLIFE AND PARKS

NOTICE OF ADOPTION OF EMERGENCY RULE

MAR NOTICE NO. 2025-186.1

Summary

Adoption of an emergency rule closing the Crystal Cross Fishing Access Site, in conjunction with the Bureau of Land Management Carbella Campground, in Park County

Reason

The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of an emergency rule:

(1) The Crystal Cross Fishing Access Site is closed due to documented increased bear presence in the area.

(2) The site closure is necessary to protect public and wildlife safety, and it will remain in place until the department determines that the site is safe for public recreation again.

(3) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, due to the combination of unsafe conditions and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. This emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties and published as an emergency rule in Issue No. 10 of the 2025 Montana Administrative Register.

Effective Date

Tuesday, May 13, 2025

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, June 2, 2025 at 5:00 p.m.

Contact

Audrey Kelly
(406) 594-8073
audrey.kelly@mt.gov

ADOPT

The agency is adopting:

RULE 1 EMERGENCY CLOSURE OF THE CRYSTAL CROSS FISHING ACCESS SITE

(1) The Crystal Cross Fishing Access Site, in conjunction with the Bureau of Land Management Carbella Campground, on the Yellowstone River is located in Park County.

(2) The Crystal Cross Fishing Access Site is closed to public recreation.

(3) This rule will remain in effect until the department determines that the affected area is again safe for public occupancy and recreational use. Signs closing the Crystal Cross Fishing Access Site will be removed when the rule is no longer effective.

Authorizing statute(s): 2-4-303, 87-1-202, MCA

Implementing statute(s): 2-4-303, 87-1-202, MCA

Interested Persons

The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department, commission or board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing or

email address of the person to receive the notice. Such written request may be mailed or delivered to the Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be completed online at https://public.govdelivery.com/accounts/MTFWP/subscriber/new.

Committee Notification

The special notice requirements of 2-4-303, MCA have been met. All committee members and staff of the Environmental Quality Council, with addresses provided on the Montana Legislature's website (leg.mt.gov), were contacted by e-mail on Wednesday, May 14, 2025.

Rule Reviewer

Jaime MacNaughton

Approval

Quentin Kujala, Chief of Conservation Policy

MONTANA
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FISH, WILDLIFE AND PARKS

NOTICE OF ADOPTION OF EMERGENCY RULE

MAR NOTICE NO. 2025-189.1

Summary

Adoption of an emergency rule partially closing Milltown State Park in Missoula County

Reason

The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of an emergency rule:

(1) The partial site closure of Milltown State Park is due to construction work to relocate the overlook and parking areas away from the bluff fissure on the cliff's edge, ensuring public safety.

(2) Construction work blocking public parking spaces with equipment and materials, construction equipment moving up and down the trail system with materials, and the removal of safety fencing during construction are creating a public safety hazard.

(3) The partial closure of the overlook portion of Milltown State Park will remain in place until construction is complete and the department determines that the overlook portion of Milltown State Park is safe again for the public to recreate there.

(4) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, due to the combination of unsafe conditions that cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. This emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties and published as an emergency rule in Issue No. 10 of the 2025 Montana Administrative Register.

Effective Date

Wednesday, May 14, 2025

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, June 6, 2025 at 5:00 p.m.

Contact

Kara Thompson
406-594-8071
kara.thompson@mt.gov

ADOPT

The agency is adopting:

Rule 1 EMERGENCY PARTIAL CLOSURE OF THE MILLTOWN STATE PARK OVERLOOK

(1) Milltown State Park is located in Missoula County.

(2) Milltown State Park is partially closed due to construction work to relocate the overlook and parking areas away from the bluff fissure on the cliff's edge, ensuring public safety.

(3) The partial closure of the overlook portion of Milltown State Park will remain in place until construction is complete and the department determines that the overlook portion of Milltown State Park is safe again for the public to recreate there. Signs closing the overlook portion of Milltown State Park will be removed when the rule is no longer effective.

Authorizing statute(s): 2-4-303, 87-1-202, MCA

Implementing statute(s): 2-4-303, 87-1-202, MCA

Interested Persons

The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department, commission or board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing or email address of the person to receive the notice. Written requests may be mailed or delivered

to the Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be completed online at https://public.govdelivery.com/accounts/MTFWP/subscriber/new.

Committee Notification

The special notice requirements of 2-4-303, MCA have been met. All committee members and staff of the Environmental Quality Council, with addresses provided on the Montana Legislature's website (leg.mt.gov) were contacted by e-mail on Wednesday, May 14, 2025.

Rule Reviewer

Jaime MacNaughton

Approval

Melissa Watson, Chief of Staff

MONTANA ADMINISTRATIVE REGISTER

OFFICE OF THE GOVERNOR

VACANCIES AND APPOINTMENTS

MAY 2025

UPCOMING VACANCIES – JUNE 2025

- Board of Public Accountants
- Dependency and Neglect Court System Task Force
- State Electrical Board
- Family Education Savings Oversight Committee
- Ground Water Assessment Steering Committee
- Montana Historical Society Board of Trustees
- Montana Invasive Species Council
- Judicial Standards Commission
- State Library Commission
- Board of Nursing Home Administrators
- Board of Nursing
- Board of Outfitters
- Statewide Public Safety Communications System Advisory Council
- Montana Pulse Crop Committee
- Committee on Telecommunications Access Services for Persons With Disabilities
- Western Interstate Commission on Higher Education
- Montana Wheat and Barley Committee

https://governor.mt.gov/boards_appointments/

RECENT APPOINTMENTS – APRIL 2025

- **BOARD OF DENTISTRY**
  - Julie Strong
    - 4/1/25 - 7/1/28
    - Predecessor: Justin Hicks

Qualification: Dentist